

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 225

BY EDUCATION COMMITTEE

AN ACT

1
2 RELATING TO EDUCATION; AMENDING SECTION 33-202, IDAHO CODE, TO REVISE PROVI-
3 SIONS REGARDING SCHOOL ATTENDANCE AND TO PROHIBIT CERTAIN FUNDING FOR A
4 HOMESCHOOLED CHILD; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFEC-
5 TIVE DATE.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 33-202, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 33-202. SCHOOL ATTENDANCE ~~COMPULSORY~~ AND ENROLLMENT. (1) The parent
10 or guardian of any child resident in this state who has attained the age of
11 seven (7) years at the time of the commencement of school in ~~his~~ the child's
12 district, but not the age of sixteen (16) years, shall cause the child to be
13 instructed in subjects commonly and usually taught in the public schools of
14 the state of Idaho. To accomplish this, a parent or guardian shall either
15 cause the child to be privately instructed by, or at the direction of, ~~his~~ the
16 child's parent or guardian; or enrolled in a public school or public charter
17 school, including an ~~en-line~~ online or virtual charter school or private or
18 parochial school during a period in each year equal to that in which the pub-
19 lic schools are in session; there to conform to the attendance policies and
20 regulations established by the board of trustees, or other governing body,
21 operating the school attended.

22 (2) A public school, school district, or any department or agency of
23 the state of Idaho shall not designate publicly funded programs as "home-
24 schooling," "homeschooling," or "home education," or designate students who
25 are enrolled in or receiving state K-12 education funding from any public
26 school, public charter school, or the state of Idaho as "homeschooled," or
27 "home educated." For purposes of this subsection:

28 (a) Dual enrollment as defined under section 33-203, Idaho Code, shall
29 not be considered enrollment in a public school; and

30 (b) The terms "home-schooling," "homeschooling," or "home education,"
31 shall mean education in which the child is not enrolled in any public,
32 private, or parochial school and which education is not paid for with
33 state or federal funding.

34 (3) Any person residing in the state of Idaho shall have a private cause
35 of action for injunctive relief, damages, and any other relief available un-
36 der law against a public school, school district, or any department or agency
37 of the state of Idaho for violation of the provisions of subsection (2) of
38 this section.

39 SECTION 2. An emergency existing therefor, which emergency is hereby
40 declared to exist, this act shall be in full force and effect on and after
41 July 1, 2023.